

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Adrianna Spitzer, individually and on behalf  
of all others similarly situated,

Plaintiff,

-against-

Celestial Seasonings, Inc.,

Defendant.

Case No. 1:20-cv-02000

NOTICE OF MOTION TO DISMISS  
COMPLAINT

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss the Complaint, Defendant Celestial Seasonings, Inc. moves, before the Honorable J. Denise Cote, United States District Court Judge for the Southern District of New York, at the United States District Courthouse, 500 Pearl Street, New York, NY 10007, Courtroom 18B, for an order dismissing the Complaint of Plaintiff Adrianna Spitzer (Dkt. 1) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, on the grounds that the Complaint fails to state a claim upon which relief can be granted.

Dated: July 27, 2020

Respectfully submitted,

/s/ August T. Horvath

August T. Horvath (AH 8776)

*ahorvath@foleyhoag.com*

FOLEY HOAG LLP

1301 Sixth Avenue, 25th Floor

New York, New York 10019

Tel: (646) 927-5500

Fax (646) 927-5599

*Attorneys for Defendant Celestial  
Seasonings, Inc*



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 27th day of July 2020, a true and correct copy of the foregoing document has been served on counsel of record who are deemed to have consented to electronic service via electronic mail.

/s/ August Horvath

August T. Horvath